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*Counsel for Lead Plaintiff Dr. Stanley Golovac  
and Lead Counsel for the Class*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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CREIGHTON TAKATA, Individually and on behalf of all others similarly situated, : Civil Action No. 3:18-02293 (FLW) (TJB)  
: :  
*Plaintiff,* : :  
v. : :  
RIOT BLOCKCHAIN, INC. F/K/A, : : [CORRECTED] STIPULATION AND  
BIOPTIX, INC., JOHN O'ROURKE, and : : [PROPOSED] ORDER EXTENDING  
JEFFREY G. MCGONEGAL, : : TIME TO RESPOND TO LEAD  
*Defendants.* : : PLAINTIFF'S CORRECTED  
: : CONSOLIDATED AMENDED CLASS  
: : ACTION COMPLAINT FOR  
: : VIOLATIONS OF THE FEDERAL  
: : SECURITIES LAWS

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WHEREAS, on February 17, 2018, Creighton Takata ("Takata") filed a complaint against Riot Blockchain, Inc., f/k/a Bioptix, Inc.; John O'Rourke; and Jeffrey G. McGonegal (collectively, "Defendants") in the above-captioned case alleging violations of the Securities Exchange Act of

1934 (ECF No. 1);

WHEREAS, this case is governed by the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §78u-4, *et seq.*;

WHEREAS, Lead Plaintiff filed his Consolidated Amended Class Action Complaint for Violations of the Federal Securities Law on May 8, 2019 (ECF No. 72), which was corrected on May 10, 2019 (ECF No. 73);

WHEREAS, Lead Plaintiff's Corrected Consolidated Amended Class Action Complaint for Violations of the Federal Securities Law (ECF No. 73) adds additional Defendants not previously named in the case;

WHEREAS, on June 28, 2019, Lead Plaintiff provided an update to the Court (ECF No. 80) regarding service of the new Defendants in the case;

WHEREAS, on July 8, 2019, counsel for newly added Defendant Catherine DeFrancesco executed a Waiver of the Service of Summons pursuant to Rule 4 of the Federal Rules of Civil Procedure, which provides Defendant DeFrancesco 60 days – until September 3, 2019 – to answer or otherwise respond to the Corrected Consolidated Amended Class Action Complaint for Violations of the Federal Securities Law (ECF No. 73);

WHEREAS, the parties have conferred concerning a new briefing schedule for Defendants' response to the Corrected Consolidated Amended Class Action Complaint for Violations of the Federal Securities Law (ECF No. 73);

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by counsel for the parties listed below, that:

1. On or before **September 3, 2019**, the Defendants listed below shall answer or otherwise respond to the Corrected Consolidated Amended Class Action Complaint for Violations of the Federal Securities Law (ECF No. 73), subject to any further Orders of this Court.

2. If the Defendants listed below serve dispositive motions in response to the Corrected Consolidated Amended Class Action Complaint for Violations of the Federal Securities Law, then: (i) Lead Plaintiff shall serve his opposition papers on or before **October 4, 2019** and **October 18, 2019**; and (ii) Defendants shall serve their reply papers on or before **October 22, 2019** and **November 18, 2019**.

3. By entering into this stipulation, the Defendants listed below do not waive any defenses that otherwise could be asserted through a motion pursuant to Fed. R. Civ. P. 12 or otherwise.

Dated: July 15, 2019

Respectfully submitted,

**LITE DEPALMA GREENBERG**

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*Counsel for Defendant Catherine DeFrancesco*

SO ORDERED this 15<sup>th</sup> day of July, 2019.



HONORABLE FREDA L. WOLFSON  
United States District Judge